
ICF/MR BRANCH NEWSLETTER

NC Department of Health and Human Services
Division of Facility Services
Mental Health and Licensure Certification Section

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The purpose of this Newsletter is to provide information and updates on ICF/MR issues in North Carolina. We ask that you pass it on to the homes, facilities and organizations that serve your clients. Additionally if you have any questions, comments or suggestions do not hesitate to contact us at Jay.Silva@ncmail.net or Denise.Erwin@ncmail.net. You may also contact us by calling (919) 855-3795 and asking for an ICF/MR facility consultant or writing to:

ICF/MR Survey Team
2718 Mail Service Center
Raleigh, North Carolina 27699-2718

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Comments from the Chief

Ladies and Gentlemen:

Greetings! This is my first newsletter as the Chief of the Mental Health Licensure and Certification Section of DFS. I started at DFS on February 11, where I encountered a warm welcome accompanied by a breakfast reception hosted by Jeff Horton, our previous Chief. I plan to continue Jeff's efforts in using this column to update providers regarding changes in rules, changes in policy, and any new developments in DFS that will be of interest to providers.

During the coming year, we plan to update our application packet and review our renewal process to ensure efficiency and responsiveness to providers. We will keep you posted as these changes are implemented.

Current Rule Updates include:

The Senate Bill 163 permanent monitoring rules are expected to become effective July 1, 2004.

Senate Bill 926 rules, that address licensing and revocation rules taking into account the providers history, are also expected to become effective July 1, 2004.

(Continued)

Final Notes

Proposed rules that address the Local Management Entity Requirements and Provider Requirements are currently in the public comment period (3/1/04-4/30/04).

You may review these and other proposed rules and submit comment (during the public comment period) from the Division of MH/DD/SAS website:

<http://www.dhhs.state.nc.us/mhddsas/rules/index.html>

I look forward to working with you and welcome any topics or suggestions you may have for future issues.

Stephanie M. Alexander, Chief
DFS Mental Health Licensure and Certification Section.

ICF/MR Surveys for North Carolina - Numbers for the 1st Quarter

January 1 through March 31, 2004

1 initial survey, 78 recertification surveys, 4 follow-up surveys and 9 complaint surveys were conducted this quarter resulting in a total of 555 W tags cited. Specifically they included:

Standard Level citations:	546
Conditions cited:	
W 102 Governing Body	0
W 122 Client Protections:	4
W 195 Active Treatment:	2
W 266 Client Behavior and Facility Practices:	1
W 318 Health Care:	2

Additionally, conditions of participation resulted in 4 Immediate Jeopardy being cited and penalties being assessed as a result of 3 recertification surveys. COP's were cited as a result in 3 of the complaint investigations. The information listed does not include citations from life safety code surveys. Only those follow-ups resulting in citations are included above.

Most frequently cited deficiencies, 1st quarter:

<i>TAGS</i>	<i>Total Times Cited</i>
<i>W-249</i>	<i>53</i>
<i>W-154</i>	<i>23</i>
<i>W-257</i>	<i>21</i>
<i>W-440*</i>	<i>16</i>
<i>W-436</i>	<i>15</i>
<i>W-153</i>	<i>15</i>
<i>W-288</i>	<i>14</i>
<i>W-227</i>	<i>14</i>
<i>W-242</i>	<i>13</i>
<i>W-369</i>	<i>13</i>

The information listed above does not include citations from life safety code surveys. (**Note: All W tags can be evaluated by the General Health Survey teams. W 440 which is normally evaluated by the Life Safety Code surveyors has received increased evaluation and where appropriate, citation by the General Health Survey as well as evidenced by it's inclusion in the top 10 W tags cited above.*)

A new group home/ facility was added to the ICF/ MR community in January. Please welcome Carolina Farms #1, which is operated by Group Homes for the Autistic, Inc., in Albemarle.

The following facilities had deficiency-free annual recertifications since October 2003:

***Jade Tree Group Home in Raleigh
Seven Oaks Road Group Home in Durham
RSI Inc, Shadylawn Group Home in Chapel Hill
Westside Residential Group Home in Orrum***

We mistakenly listed the Foothills ICF/MR Group Home as being in Granite Falls, NC in the last issue. The group home is actually located in Morganton. We apologize for the error.

If you did receive a deficiency free annual survey (General and Life Safety) and we failed to identify your facility, please notify us at Joseph.Milanese@ncmail.net and we will include it in the next edition of the newsletter.

Center for Medicaid and Medicare Services (CMS) Notes

CMS continues to update and improve its online web services. One of those services is “The CMS Quarterly Provider Update.” The “Update” is a national online source of information for Medicare Providers. The most current issue is January 2004 and covers issues such as Medicare Prescription Drug, Improvement and Modernization Act of 2003. CMS also has an online list-server that will allow you to receive the most recent changes to both regulatory and non-regulatory issues regarding Medicare providers. For more information go to <http://cms.hhs.gov/providerupdate/> . There are additional links on this page for the listserver and email.

Specific additional information about ICF/MR programs can be found at the CMS ICF/MR Home Page: <http://cms.hhs.gov/medicaid/icfmr/default.asp> .

Update on “Look-Behind” Surveys:

The Centers for Medicare & Medicaid Services (CMS) has had “look-behind” authority from the Federal government for ICF/MR facilities since the mid-1980’s. This was the result and response to reports and investigations of substandard care in the industry.

In September 2000 a contract was awarded to *The Council on Quality and Leadership in Supports for People with Disabilities* of Towson, Maryland to conduct the ICF/MR Federal Monitoring and Oversight project. The contract was for one year with additional one-year options available.

A recent report on the findings of the Federal Survey Teams (FST) has demonstrated that the “look-behind” surveys have met the mandate to identify problem areas in various State Agencies (SA). As a result CMS has accepted a recommendation to continue the “look-behind” surveys conducted by FST surveyors.

The bottom line is that North Carolina ICF/MR facilities will continue to have FST’s conducting look-behind surveys in close conjunction to routine annual recertifications by SA surveyors. The FST’s are also authorized and do conduct follow-up and complaint surveys.

For more information on the ICF/MR Federal Monitoring and Oversight project visit <http://www.cms.hhs.gov/medicaid/icfmr/icfcont.asp> online.

Net Links:

We have identified a number of Net Links, which may be helpful to you in the care of your clients. If you know of others please let us know at Joseph.Milanese@ncmail.net and we will add them for the benefit of others in the ICF/MR community. To use the list click on the link below or cut and paste it to the location (Netsite) field on your browser page.

Federal

CMS has made major changes to their Web Pages so you may want to update your bookmarks.

Centers for Medicare & Medicaid Services <http://cms.hhs.gov/>

ICF/MR – <http://cms.hhs.gov/medicaid/icfmr/default.asp>

Medicare – <http://cms.hhs.gov/medicare/>

Medicaid – <http://cms.hhs.gov/medicaid/>

Laws and Regulations <http://www.hcfa.gov/regs/>

We routinely receive requests on how to access the ICF/MR regulations online. To get the regulations online go to http://cms.hhs.gov/manuels/Pub_07.asp . This takes you to the CMS’s web page for the State Operations Manual (SOM), which includes the W tags (Appendix J).

Double click on Appendices for the Appendices from D to N. You will be required to save the file to your computer and it will arrive as a ZIP file, which you will then have to unzip and save as well. The regulations for Appendix J begin with the file “somap j 02,” (starts with W tag 100). They go through file “somap j 15,” (which ends with the final tag, W tag 488). File “somap j 01” tells how the survey process is done by the Survey Team. You can also access the regulations that govern identifying and correcting Immediate Jeopardies, also called Appendix Q, from this link.

State

N.C. Government <http://www.ncgov.com/>

N.C. General Assembly <http://www.ncleg.net/homePage.pl>

North Carolina Department of Health and Human Services <http://www.dhhs.state.nc.us>

The Division of Facility Services <http://facility-servieces.state.nc.us/>

Nurse Aide I and Health Care Personnel Registry <http://www.ncnar.org/>

ICF/MR Organizations and Information Sources

North Carolina Association of Community Based ICF/MR Providers
<http://www.ncicfmr.org/>

National Association of QMRP <http://www.qmrp.org/>

American Association on Mental Retardation (AAMR) <http://www.aamr.org/>

The ARC <http://www.thearc.org>

Best Buddies (Information on MR) <http://www.bestbuddies.org/>

Research Center at UCLA <http://www.mrrc.npi.ucla.edu>

National Down Syndrome Society <http://www.ndss.org>

Special Olympics <http://www.specialolympics.org>

Council for Exceptional Children <http://www.cec.sped.org/>

The Association for the Severely Handicapped <http://www.tash.org/>

The ICF/MR branch has an extensive list of Internet sites to a variety of organizations in a variety of areas. We will be listing some of them here for your convenience in the months to come. This letter's groups covers Emotional Disturbances and Communication Disorders:

Emotional Disturbance

Educational Management Techniques <http://interact.uoregon.edu/wrrc/Behavior.html>

Research and Training Center for
 Children's Mental Health <http://lumpy.fmhi.usf.edu/CFSroot/rtc/rtchome.html>
 Tourette Syndrome Association <http://www.tsa-usa.org/>
 American Academy of Child and Adolescent Psychiatry <http://www.aacp.org/>
 Anxiety Disorders Association of America <http://www.adaa.org>
 American Institutes for Research <http://www.air-dc.org/web/aacap/>
 Autism Society of America <http://www.autism-society.org>
 Jay Lenches BD tips
http://www.geocities.com/behaviordisorders/Behavior_Disor/Behavior_Disox.html
 Residential Summer Camp <http://www.campnuhop.org/>
 CCBD of CEC <http://www.ccbd.net/>
 Children and Adults of Attention Deficit/Hyperactive Disorder <http://www.chadd.org>
 Public Schools of North Carolina <http://www.dpi.state.nc.us/>
 US Office of Special Education Programs
 sponsored www sites <http://www.ed.gov/about/offices/list/osers/index.html?src=oc>
 Potpourri of Mental Health and Children sites <http://www.fenichel.com/violence.shtml>
 Center for Mental Health Services <http://www.mentalhealth.org/mhlinks/MHLINKS.HTM>
 U.S. Office of Juvenile Justice <http://virlib.ncjrs.org/JuvenileJustice.asp>
 National Depressive and Manic Depressive Association <http://www.ndmada.org>
 National Institutes on Drug Abuse <http://www.nida.nih.gov/>
 National Institutes of Mental Health <http://www.nimh.nih.gov/>
 National Mental Health Association <http://www.nmha.org/>
 Obsessive Compulsive Disorders <http://www.ocfoundation.org/>
 Substance Abuse and Mental Health Services Administration <http://www.samhsa.gov/>
 University of Kentucky Behavior
 Problem site <http://www.state.ky.us/agencies/behave/homepage.html>
 Willie M. parents website <http://www.willieparents.com/whatis.html>
 National Alliance for the Mentally Ill <http://www.nami.org/>

Communication Disorder

American Speech, Language and Hearing Association <http://www.asha.org/>
 Association of Young People who Stutter <http://friendswhostutter.org/>
 National Stuttering Association <http://www.nsastutter.org>
 Stuttering Foundation of America <http://www.stutterSFA.org>

Survey team members are constantly on the lookout for links and information to assist us in doing our jobs. As a result one of the team member recently found "Special Child: For Parents of Children with Disabilities" at <http://www.specialchild.com/index.html>. The site was developed and is part of a non-profit group, The Resource Foundation for Children with

Challenges, which was developed by a family with a special needs child. As many of our other net links we provide information on, it appears to be a good resource with a wide variety of topics for parents and guardians as well as professionals. As with any online source you should review the terms and conditions published for that group and always confer with appropriate professionals in the care of your client.

We make every attempt to ensure web links are up to date, but they do change from time to time. If you should have problems accessing a link, simply send a message to Joseph.Milanese@ncmail.net and identify the link so we can correct it within the Newsletter. Thank you in advance.

North Carolina Association of Community Based ICF/MR Providers

We would also like to note that the Annual ICF/MR Providers Conference will be held at the Embassy Suites in Greensboro (exit 210 off I 40). Early registration begins at 5 PM on Tuesday, April 27. Conference begins on Wednesday, April 28 and ends early afternoon on Thursday, April 29. Anyone wishing to register can contact the association president Curtis Bass at 919-255-9011 or curtisbass@aol.com.

EVALUATING ABUSE AND NEGLECT

The Prevention and Detection of Abuse and Neglect are major concerns for the Centers for Medicaid and Medicare Services (CMS) as evidenced by the high priority given in the regulatory requirements in the Interpretive Guidelines, Federal Code of Regulations and subsequent W tags for ICF/MR facilities. More specifically CMS recommends a regulatory crosswalk to surveyors to address and cite incidents of abuse and neglect while assessing the provider's ability to detect and prevent the abuse and neglect. The specific tags or key components that address this process are:

Prevention: W127 – Ensure that clients are not subjected to physical, verbal, sexual or psychological abuse or punishment.

W149 – The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client.

W150 – Facility staff must not use physical, verbal, sexual or psychological abuse or punishment.

Screen: W152 – The facility must prohibit the employment of individuals with a conviction or prior employment history of child or client abuse, neglect or mistreatment.

Train: W189 – The facility must provide each employee with initial and continuing

training that enables the employee to perform his or her duties effectively, efficiently, and competently.

- Identify: W153 – The facility must ensure that all allegations of mistreatment, neglect or abuse, as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures.
- Protect: W155 – The facility must prevent further potential abuse while the (abuse, neglect or injuries of unknown source – W153) investigation is in progress.
- Report and Investigate:
- W154 – The facility must have evidence that all alleged violations are thoroughly investigated and ...
- W156 – The results of all investigations must be reported to the administrator or ... to other officials in accordance with State law within five working days of the incident ...
- Respond: W157 – If the alleged violation is verified, appropriate corrective action must be taken. (Note: Under the federal code of regulations, 483.420(d)(4) provides the guidelines for this tag, and it states; “When the intentional action or inaction of a staff person has resulted in abuse, neglect or mistreatment which poses a serious and immediate threat to individuals’ health and safety, termination of employment is the only acceptable corrective action.”)

We hope this look at the survey process will increase a provider’s understanding of how the survey team evaluates abuse and neglect issues.

Final Notes: The ICF/MR Survey Team would like to take this opportunity to welcome our new boss, Stephanie Alexander who became the Chief of the Division of Facility Services Mental Health Licensure and Certification Section in February.

(We hope that you have found the information we have provided helpful and educational. The ICF/MR Branch has a common goal with the various ICF/MR facilities in North Carolina to ensure the clients have the best life experience available to them.)

ICF/MR SURVEY BRANCH